

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:19-cv-00572-MR-WCM

WILLIAM PAUL AVOKI, )  
Plaintiff, )  
vs. )  
ANDREW SAUL, Commissioner )  
of Social Security, )  
Defendant. )

---

## ORDER

## **ANDREW SAUL, Commissioner of Social Security,**

Defendant.

**THIS MATTER** is before the Court on the Defendant's Motion to Dismiss for Lack of Jurisdiction [Doc. 16]; the Plaintiff's Motion for Leave to File Amended Complaint and Other Equitable Relief [Doc. 20]; the Defendant's Motion for Remand under Sentence Four of 42 U.S.C. § 405(g) [Doc. 31]; and the Magistrate Judge's Memorandum and Recommendation [Doc. 33] regarding the disposition of those motions.

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the pending motions in the above-

captioned action and to submit to this Court a recommendation for the disposition of these motions.

On June 8, 2020, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 33] in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the motions [Docs. 16, 20, 31]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Memorandum and Recommendation [Doc. 33], the Court finds that the proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Defendant's Motion for Remand should be granted and that the parties' other motions should be denied.

**IT IS, THEREFORE, ORDERED** that:

(1) The Memorandum and Recommendation [Doc. 33] is  
**ACCEPTED**;

(2) The Defendant's Motion for Remand [Doc. 31] is **GRANTED**; the Commissioner's decision is hereby **REVERSED**; and this matter is **REMANDED** for a new hearing pursuant to sentence four of 42 U.S.C. § 405(g);

(3) The Plaintiff's request for an Order requiring the submission of a report regarding the disposition of the Plaintiff's claim is **DENIED**;

(4) The Plaintiff's Motion for Leave to File Amended Complaint and Other Equitable Relief [Doc. 20] is **DENIED AS MOOT**; and

(5) The Defendant's Motion to Dismiss for Lack of Jurisdiction [Doc. 16] is **DENIED AS MOOT**.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

**IT IS SO ORDERED.**

Signed: June 27, 2020



---

Martin Reidinger  
Chief United States District Judge

